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STAT *Ex-Rep. McCloskey Backs CBS on Enemy Troop Count*

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A former United States Representative and two former Central Intelligence Agency analysts testified yesterday that Gen. William C. Westmoreland should not have removed the Vietcong's self-defense forces in 1967 from the official listing of enemy strength known as the order of battle.

The decision to delete those forces — which also resulted in their not being counted at current levels in a special intelligence estimate for President Lyndon B. Johnson in November 1967 — is a key issue in the 16-week-old trial of General Westmoreland's \$120 million libel suit against CBS.

The suit stems from a 1982 documentary, "The Uncounted Enemy: A Vietnam Deception," that accused the general's command in Saigon of engaging in a "conspiracy" to show progress in the Vietnam War by understating the size and nature of the enemy. That thesis was based largely on 15 years of research by a former C.I.A. analyst, Samuel A. Adams, who was a paid consultant for the broadcast and is now a defendant in the lawsuit.

General Westmoreland, who commanded American forces in Vietnam from January 1964 to June 1968, contends that the broadcast defamed him by saying he had lied about enemy troop strength to President Johnson and the Joint Chiefs of Staff.

Former Representative a Witness

The witnesses for CBS in Federal District Court in Manhattan yesterday were Paul N. McCloskey Jr., a Representative from California between 1967 and 1982 who ran for the Republican nomination for President in 1971 on an antiwar platform, and Douglas J. Parry and John I. Dickerson, who were C.I.A. analysts in 1967.

Mr. Parry, who had worked at C.I.A. headquarters in Langley, Va., said C.I.A. officials had been "cowards" for "conforming" in 1967 to the newly adopted position of General Westmoreland's command: that the part-time, hamlet-based self-defense forces were inconsequential militarily and could not be estimated accurately.

Mr. Parry also testified that, after the Tet offensive of January 1968 the C.I.A. estimated that North Vietnamese infiltration into South Vietnam during the fall of 1967 was 20,000 to 30,000 a month, quadruple the rate stated at the time by General Westmoreland's command. The documentary used a monthly figure of 20,000, too, and charged that the command had blocked reports about the higher infiltration.

But Judge Pierre N. Leval twice reminded the jury that the "truth" issue in the case was not whether the command's estimates "were right or even close to right." The issue, he said, is whether they were made "honestly."

Mr. Dickerson, who worked in 1967 at the C.I.A.'s station in Saigon, said he came to believe the military was involved in a "conscious effort, a deliberate conspiracy to keep the numbers in the order of battle below a certain pre-defined, arbitrary level."

Like other witnesses for CBS, both Mr. Dickerson and Mr. Parry were called to the stand to demonstrate that Mr. Adams had a reasonable basis for his views about the enemy strength dispute and was not alone in those views. Both said they conveyed their sentiments to Mr. Adams in 1967.

Package of Secret Documents

Mr. McCloskey recalled meeting Mr. Adams in the spring of 1973, when they both testified at the Pentagon Papers trial of Daniel Ellsberg. Shortly thereafter, Mr. McCloskey said, Mr. Adams went to his office on Capitol Hill with a package of documents two or three inches thick, that he wanted Mr. McCloskey to keep in his safe.

"He was afraid that something would happen to him or the documents," Mr. McCloskey said.

Two years later, according to Mr. McCloskey, Mr. Adams returned for the package and showed him some of its contents. Among the documents, Mr. McCloskey said, were cables that had been sent in August 1967 from General Westmoreland's command to the Pentagon and the C.I.A.

Under questioning by Michael R. Doyen, a lawyer for CBS, Mr. McCloskey identified one of the documents as an Aug. 19, 1967, cable from Gen. Creighton W. Abrams, General Westmoreland's deputy, to Gen. Earle G. Wheeler, chairman of the Joint Chiefs of Staff.

'Gloomy Conclusion'

In the cable, which General Westmoreland supported in a brief message to General Wheeler the next day, General Abrams minimized the capabilities of the self-defense forces, opposed their continued inclusion in the order of battle and warned that the press would draw "an erroneous and gloomy conclusion" from new intelligence estimates that would increase the number for

those forces from 70,000 to 120,000.

Mr. McCloskey said he was "shocked" when he read the documents "and I told Adams, I may even have been the one who used the word, that I thought it was a conspiracy" by Generals Abrams and Westmoreland and by Robert W. Komer, who was head of the pacification program in South Vietnam.

"I told Mr. Adams that 'it was almost a criminal thing' to say that the self-defense forces 'weren't effective.'" It was one thing, he remembered saying, to "deceive the press and even Congress." But to have downgraded the self-defense forces in the

special estimate for the President and other policy makers in the executive branch "was a criminal thing," he said.

Mr. McCloskey, a retired colonel in the Marine Corps Reserve who specialized in "counterinsurgency" training, recalled referring to some of the cables in a speech on the House floor on April 23, 1975. Those documents, he told the jury, "explained the difference" between the official briefings he received on a trip to Vietnam in December 1967 "and what I saw in the field."

The self-defense forces, said Mr. McCloskey, who served on active duty in Korea but not in Vietnam, "probably

caused as many casualties as North Vietnamese or VC regular forces. In my opinion they had to have been included in the order of battle."

On cross-examination, David Dorsen, a lawyer for General Westmoreland, asked Mr. McCloskey about Mr. Adams's first visit to him in 1973.

Q. Did Mr. Adams tell you he wanted you to have the documents because he was afraid of being executed?

A. I remember he was concerned that something might happen to him or to the documents.

Mr. Dorsen then showed Mr. McCloskey a copy of remarks he made in the

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House on June 17, 1982, in support of the CBS documentary. Mr. McCloskey had said Mr. Adams, when he brought the documents, "was afraid of being executed if his views were known."

'Files Would Be Safe'

Mr. McCloskey, who is now a lawyer in California, told Mr. Dorsen that Mr. Adams "felt his superiors were opposed to his views. He wanted to be sure that, if anything happened to him, and he feared it might, the files would be safe. I don't think he used the word 'executed.'"

Mr. Adams has denied using that word.

Mr. Parry, a 43-year-old Utah lawyer who was a C.I.A. analyst from 1966 to 1968, said that after the Tet offensive, he had hoped the military would agree with Mr. Adams and others in the

C.I.A. that enemy strength was much higher than had been indicated.

He recalled saying to Mr. Adams that the military's relatively low figures "gave us Tet" and that "now the intelligence community would listen to us."

But when military representatives adhered to their own estimates at a conference on enemy strength in April 1968, Mr. Parry said, he concluded that General Westmoreland's command was "not interested in the truth." He decided to leave the C.I.A.

"I had really lost the enthusiasm I had had for the agency. I couldn't be part of it anymore," he recalled saying to Mr. Adams. "The truth had become political, and it didn't really matter what truth was, but how it was packaged."